STAAC

PLANNING, DESIGN AND ACCESS STATEMENT

100 - 108 Montague Street

Worthing, West Sussex, BN11 3HG

Change of use of part of the second floor from retail (Class E) to residential (Class C3) and creation of three flats, with associated works.

Site	100 - 108 Montague Street, Worthing, West Sussex, BN11 3HG
Applicant	Collingwood Batchellor Ltd
Architect	STAAC Ltd - project reference 26035
Application type	Full planning application
Document	Planning Statement and Design and Access Statement

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Introduction

This statement is submitted in support of a full planning application for the change of use of part of the second floor of 100 - 108 Montague Street, Worthing, BN11 3HG from retail use (Class E) to residential use (Class C3), and the creation of three flats.

The statement serves two purposes. As a Planning Statement it sets out the policy context and assesses the proposal against the development plan, the national decision-making policies of the National Planning Policy Framework published on 17 August 2026, and other material considerations. As a Design and Access Statement it addresses the matters required by article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 - use, amount, layout, scale, landscaping and appearance - together with access.

The application involves the loss of approximately 284 m² of showroom and ancillary utility floorspace presently in retail use as part of the Collingwood Batchellor store, including approximately 31 linear metres of second floor frontage. The ground floor retail unit and its shop fronts are entirely unaffected and the store continues to trade. The justification for the loss of the second floor floorspace is set out in the planning assessment.

The proposal is a change of use and internal conversion within the existing building envelope. No increase in the height or footprint of the building is proposed. The Montague Street elevation is unaltered.

Relationship with the existing permission

Planning permission AWDM/1563/23 was granted on 11 February 2026 for seven flats at this building. Those seven flats have been constructed and are occupied. Condition 11 of that permission limits it to seven residential units.

This application is for three new flats and nothing more. It is separate and freestanding. It is not an application under section 73 and it does not seek to vary condition 11 or any other condition of AWDM/1563/23. It is a fresh application for full planning permission for three flats in a different part of the building, on the western side of the second floor, and it is those three flats alone that fall to be assessed.

Supporting documents

This statement should be read together with the drawings listed at Appendix A and the supporting documents listed at Appendix B.

The site and its surroundings

The site

The application site comprises the Collingwood Batchellor department store at 100 - 108 Montague Street, Worthing. The site has an area of approximately 0.1 hectares, confirmed by the Phase 1 land quality assessment prepared for the site in April 2022 and consistent with a measurement of approximately 0.105 hectares scaled from the submitted plans. The national grid reference is 514520 E, 102440 N.

The building occupies a prominent corner position. Its principal frontage is to Montague Street on the south, with returns to Graham Road on the east and Crescent Road on the west. A yard used for deliveries and loading sits to the north, accessed from Graham Road. The store is arranged over ground, first and second floors, with a former chapel on the Crescent Road side incorporated into the sales area and a former warehouse to the rear.

The Montague Street frontage is at the western end of the pedestrianised section of the street. The building is of stucco construction with a regular window arrangement to the upper floors, decorative render panels, a parapet with coping detail to the front and sides, and traditional elements to the shop frontage. The eastern part of the building has a pitched roof with wide eaves and eaves brackets, concealed at street level behind the parapet.

Flats permitted under a separate permission occupy the eastern part of the first and second floors and the third floor, together with a rooftop amenity area, and are in occupation. They are noted here as site context only; they form no part of this application. Access to them is taken from a door on Graham Road leading to a common staircase.



Figure 1 - The Montague Street and Crescent Road corner of the building, with the former chapel on the Crescent Road frontage to the left (photograph from the supporting statement to AWDM/1752/20).

Surroundings

Montague Street is Worthing's principal shopping street. The section east of Crescent Road is wholly pedestrianised and is enclosed by two to four storey buildings on both sides. Immediately west of Crescent Road the street is narrower, is not pedestrianised, and has a more intimate character with a significant number of pubs, cafes and restaurants and many upper floors in residential use.

Graham Road, to the east, is a quiet two storey residential street. Its southern end is closed to vehicles, so there is relatively little traffic or parking. Nos. 3 to 39 on the west side form a nineteenth century terrace of considerable local historic and architectural interest; Nos. 3, 5 and 7 adjoin the application building to the north.

Crescent Road, to the west, is a one-way street leading north from the seafront. About half of the ground floor frontages are in retail, cafe or restaurant use; the remainder of the largely three storey stucco properties is mainly residential, usually in the form of flats.

The site is approximately 150 metres from Marine Parade and the beach, and approximately 1,000 metres from Worthing railway station. Bus services run along the vehicular section of Montague Street

to the west and along Marine Parade. The Buckingham Road multi-storey car park lies a short walk to the east.

Designations and constraints

Matter	Position
Conservation area	Within the Montague Street Conservation Area, designated 14 March 2000. See the note below on the Marine Parade and Hinterland Conservation Area.
Listed buildings	The application building is not listed. The Conservation Area Appraisal records two listed buildings in the section of Montague Street east of Crescent Road, including the Grade II listed 101 - 103 Montague Street on the south side of the street at the corner of Prospect Place. No listed building adjoins the site.
Shopping frontage	Secondary Shopping Frontage for the purposes of Policy DM13 of the Worthing Local Plan 2023.
Flood risk	Flood Zone 1 - land with a low probability of flooding. Confirmed by the Environment Agency flood map for planning for location 514518 / 102438, obtained 27 August 2026 and submitted with this application.
Site area	Approximately 0.1 ha.
Geology	River Terrace Deposits (Secondary A/B aquifer) over Lewes Nodular Chalk Formation (principal aquifer).
Radon	Within an area where 1 to 3 per cent of homes are at or above the UK radon action level.
Contamination	Phase 1 land quality assessment, April 2022: overall risk low to moderate/low.
Ecology	A wholly built site with no habitat. No statutory or non-statutory nature conservation designation applies.
Trees	No trees on or adjoining the site are affected.

A second conservation area designation must be checked. The Council's officer report on 105 - 109 Montague Street records that that site lies within both the Montague Street and the Marine Parade and Hinterland conservation areas. 105 - 109 is on the south side of Montague Street, closer to the seafront, and the present site is on the north side and further west, so the second designation may well not reach it. The point cannot be assumed either way and is the subject of the action note below.

The flood zone position requires a specific note, because it corrects the assumption previously carried in the project record. An Environment Agency flood map for planning obtained on 27 August 2026 places the application site in Flood Zone 1. Flood Zones 2 and 3 lie to the south and south-west, along the seafront and the western end of Montague Street, but do not extend to the site. That position is consistent with the Council's own finding at 105 – 109 Montague Street, on the opposite side of the street, where the officer report of June 2026 recorded Flood Zone 1 and no susceptibility to surface water flooding.

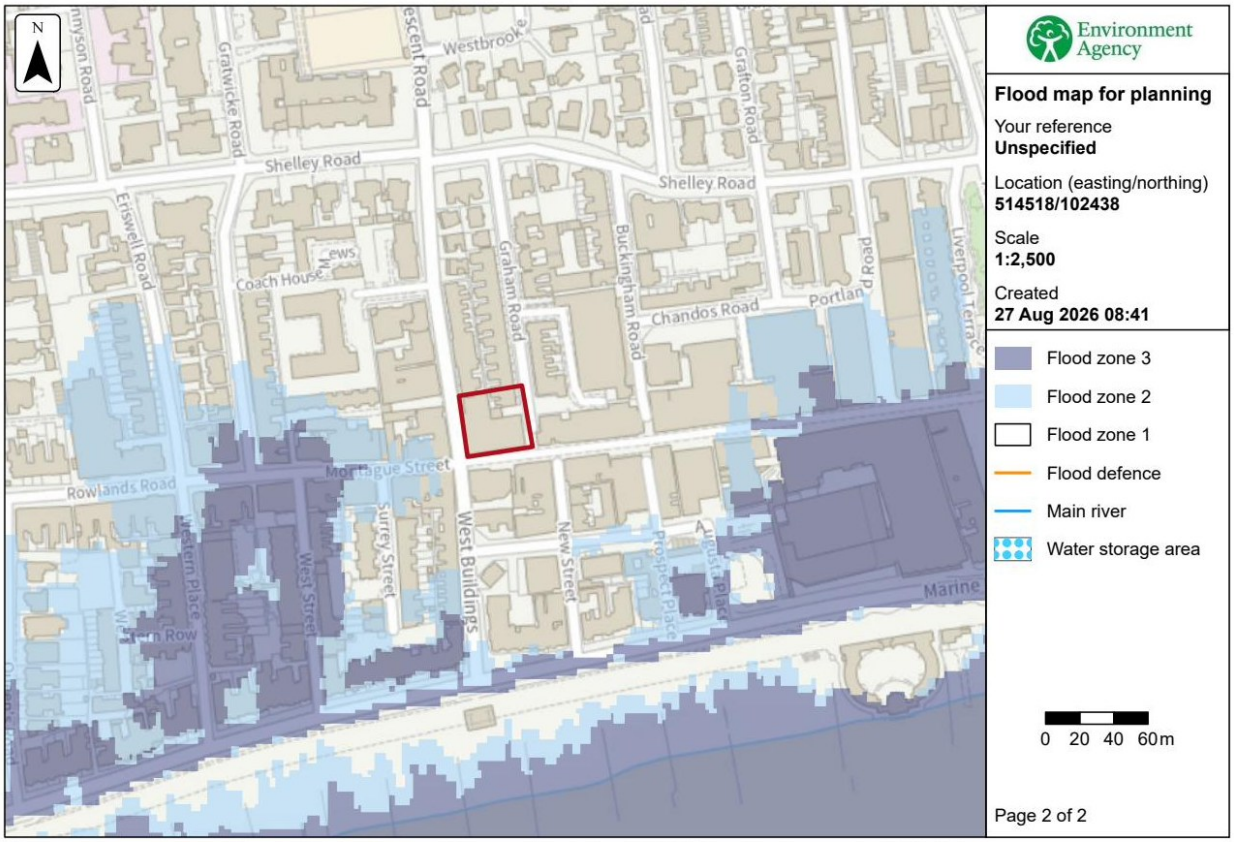


Figure 3 -Environment Agency Flood Map for Planning, obtained 27 August 2026. The application site (edged red) lies in Flood Zone 1; Flood Zones 2 and 3 lie to the south and south-west.

Because the proposal converts commercial floorspace to a more vulnerable residential use, the flood risk position is addressed in the planning assessment notwithstanding the Flood Zone 1 classification. The proposed flats are at second floor level.

Planning history

The site has an extensive planning history. The applications most relevant to this proposal are set out below.

Reference	Date	Description
AWDM/0052/15	2015	Earlier proposals for the site.
AWDM/0449/16	2016	Demolition of the rear warehouse and replacement with a pair of semi-detached three storey houses.
PREAPP/0581/19	2019	Pre-application enquiry on the conversion and extension scheme.
PREAPP/0153/20	2020	Further pre-application enquiry.
AWDM/1752/20	2020	Change of use of part of the first and second floors from retail to residential, extension and alterations, creation of eight flats including a rooftop flat, conversion of the warehouse, cycle and bin storage and ancillary works.
AWDM/0908/22	2022	Approval of details reserved by condition, including materials and finishes, the railing enclosure and hard and soft landscaping to the rooftop amenity area, the acoustic report and ventilation strategy, the contamination assessment and the construction management plan.
AWDM/1377/22	2022	Further application relating to the consented scheme.
AWDM/0732/23	2023	Further application relating to the consented scheme.
AWDM/0606/24	2024	Amendment to AWDM/1752/20.
AWDM/1563/23	Permitted 11.02.2026	Application under section 73 to vary conditions 1 and 11 of AWDM/1752/20 as amended: extended showroom at second floor, improvements to internal flat layouts, changes to the east elevation, and alterations and extensions to the third floor to increase habitable living area, with a reduction in the overall number of flats to seven. Condition 11 limits that permission to seven residential units.

Two features of that history bear directly on this application.

First, the principle of residential use on the upper floors of this building has been established and implemented. The Council granted permission in 2020 for the change of use of parts of the first and second floors from retail to residential, and the scheme as varied in 2026 has been built out and occupied. The present application applies the same principle to a further part of the same floor of the same building.

Second, the retail rationale advanced in 2019 and 2020 remains material. The supporting statement submitted with that application recorded that customers tend not to reach the second floor and that some do not reach the first, and that a new staircase had been installed to encourage first floor trade. The Council accepted the loss of upper floor retail floorspace on that basis.

Southern Water was consulted on AWDM/1563/23 and confirmed on 5 December 2023 that it had no objection, its earlier comments of 23 November 2020 remaining unchanged and valid.

Planning policy context

The statutory framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose duties in respect of listed buildings and conservation areas; the section 72 duty applies here, requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The development plan

The statutory development plan is the Worthing Local Plan, adopted in 2023. The policies of most direct relevance are set out below. This list is drawn from the Council's own delegated officer report on the most recent application at this building and therefore reflects the policies the Council itself applied to this site.

Policy	Subject
SP1	Presumption in favour of sustainable development
SP2	Climate change
SP3	Healthy communities
SS1	Spatial strategy
SS3	Town centre - overarching development principles for the town centre and associated seafront
DM1	Housing mix
DM2	Density, including internal space standards
DM5	Quality of the built environment
DM13	Retail and Town Centre Uses — the principal policy engaged by this application
DM15	Sustainable Transport and Active Travel
DM16	Sustainable design
DM17	Energy
DM20	Flood Risk and Sustainable Drainage
DM22	Pollution

Policy	Subject
DM24	The Historic Environment

The following supplementary planning documents and evidence base material are also relevant:

- Supplementary Planning Document: Space Standards (Worthing Borough Council)
- Guide for Residential Development SPD - Living Above Shops and Other Commercial Premises
- Montague Street Conservation Area Appraisal
- Worthing Planning Application Validation Requirements, effective 1 April 2026
- West Sussex County Council cycle parking standards

The policy references above should not be read alongside the Worthing Core Strategy policies (Policies 6, 8 and 16) that appear in earlier statements for this building. The Core Strategy has been superseded by the 2023 Local Plan.

National policy

The National Planning Policy Framework was comprehensively rewritten and republished on 17 August 2026. It replaces the December 2024 Framework and restructures national policy into separate plan-making policies and national decision-making policies expressed as lettered and numbered codes rather than numbered paragraphs.

Annex A confirms that the national decision-making policies are material considerations which must be taken into account from the day of publication, and that they therefore apply to applications submitted before that date but not yet determined. Annex A also provides that development plan policies, or parts of policies, which are materially inconsistent with the national decision-making policies should be given very limited weight unless they were examined and adopted against the new Framework. The Worthing Local Plan was adopted in 2023 and was not examined against this Framework.

The national decision-making policies engaged by this proposal are as follows.

Policy	Relevance to this proposal
S3	Determination in accordance with the development plan and the national decision-making policies.
S4	Presumption in favour of suitably located development. Proposals within settlements should be approved unless the benefits would be substantially outweighed by adverse effects assessed against the Framework's national decision-making policies.
TC2	Town centre vitality and viability. Supports uses which sustain and enhance town centres.

Policy	Relevance to this proposal
TC3 / TC4	Sequential and impact tests for main town centre uses. Not engaged: the proposal is residential development in a town centre location and involves no main town centre use in an out-of-centre location.
L2	Substantial weight to additional homes and floorspace on underused plots and within existing buildings.
E2	Support for businesses adapting their premises to remain viable.
HO7	Delivery of housing, including on small sites and within existing buildings.
CC2 / CC3	Climate change mitigation and adaptation, and flood risk.
DP3	Design quality and the character of the surrounding area.
HE4 / HE5 / HE6	The historic environment: avoiding and minimising harm to the significance of heritage assets, and the tests applying to total loss, substantial harm and other harm.
F4 - F8	Flood risk, drainage and water management.
DM1 / DM2	Information requirements and proportionality in decision-making.
DM7	Avoidance of duplication with other regulatory regimes.
Chapter policies	Transport and accessibility, pollution and amenity, and nature and biodiversity.

Other legislation and regulation

- Biodiversity gain condition: Schedule 7A to the Town and Country Planning Act 1990 and the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations, as amended with effect from 6 August 2026.
- Community Infrastructure Levy Regulations 2010, in particular regulation 40.
- Building Regulations, in particular Parts B, M, O and L - the last of which is a separate regime under national decision-making policy DM7.

Character appraisal

The Montague Street Conservation Area Appraisal divides the area into character sections. The application site falls within the section described as Montague Street east of Crescent Road, and its returns address Graham Road and Crescent Road, each of which the appraisal treats separately.



Figure 4 — Montague Street Conservation Area (Worthing Borough Council). The application site is the block on the north side of Montague Street between Crescent Road and Graham Road.

Montague Street east of Crescent Road

The appraisal describes this as an important part of the town centre shopping area: a wholly pedestrianised corridor of urban space enclosed by two to four storey buildings on both sides, with two listed buildings and several others of considerable local historic or architectural interest. It records that the north side of the street in particular has good townscape quality, and that the quality established by the buildings is eroded to some extent by intrusive street furniture, unsympathetic shopfronts and advertisements, and the poor design and inappropriate materials of some post-war building.

The elements identified as requiring preservation are a common building line at the back of the pavement, cohesive paving materials, a vertical emphasis to front elevations, original architectural detailing on nineteenth century properties including string courses, parapets, slate roofs, quoins and timber sliding sash windows, and elevations in stucco or red brick.

The appraisal records that upper floors of buildings in this section are used for purposes ancillary to the retail uses. That was a statement of fact recorded at the time of the appraisal rather than a policy requirement, and it has since been overtaken at this building by the Council's own grants of permission

for residential use on the first, second and third floors. The appraisal's parallel descriptions of the adjoining sections make the wider point: on Montague Street west of Crescent Road many upper floors are in residential use, and on Crescent Road the use of the relatively large properties is mainly residential, usually in the form of flats. Residential accommodation above ground floor commercial use is a characteristic, not an anomaly, of this conservation area.

Graham Road

Only the two storey nineteenth century terrace at Nos. 3 to 39 on the west side lies within the conservation area. The appraisal identifies the elements to be preserved as two storey terraced properties on a common building line, stucco elevations with a plain band, bracketed eaves and plaster mouldings to window and door openings, ground floor cant bays with sliding timber sash windows and three lights at first floor with slender glazing bars and horn details, recessed doorways with a blind window recess above, and original front boundary walls and piers in balustrade form. Graham Road is described as a quiet residential street adjoining the town's main shopping street.

Crescent Road

The southern section of Crescent Road is on the fringe of the shopping centre. Only about half the ground floor frontages are in retail use; the remainder of the largely three storey properties is mainly residential, usually flats. Properties form a contiguous, largely stucco frontage at the back of the pavement, creating a sense of enclosure. Bays and sliding timber sash windows on tall properties on narrow plots create a vertical rhythm in the street scene.

The application building's contribution

The building is not individually identified in the appraisal. It makes a positive contribution to the Montague Street and Graham Road street scenes through its corner composition, its stucco finish, its regular fenestration, its decorative render panels and its parapet with coping detail. The rear and northern parts of the building, comprising additions of various ages and finishes, make a neutral or slightly negative contribution.

The parts of the building affected by this application are internal, at second floor level on the western side, together with limited alterations to window and door openings on the north and west elevations. The Montague Street elevation is unaltered.

Constraints and opportunities

Constraints

- The conservation area designation, which requires special attention to be paid to preserving or enhancing character and appearance.
- The Secondary Shopping Frontage designation and Policy DM13, which protects the retail function of the town centre.
- The existing structural grid and window spacing, which largely dictate where new partitions can be placed without disturbing the external fenestration rhythm.
- The occupied flats within the same building and the retail unit below, which constrain construction activity and require attention to sound insulation between uses.
- The absence of any land on which to provide car parking, and the limited yard area which is required for retail servicing.
- The absence of ground level open space in the applicant's ownership within which private amenity space could be provided.

Opportunities

- Second floor floorspace which is under-trading and difficult to use for the display of large furniture items, because of its floor level change, its retained cross walls and the reluctance of customers to travel to the upper floors.
- A highly sustainable town centre location within walking distance of shops, services, the seafront, open space, bus routes and the railway station.
- An existing building capable of accommodating three well-proportioned flats without extension, so that the housing is delivered with a low embodied carbon cost.
- An existing residential access, staircase, refuse and cycle store arrangement already established at this building and capable of extension to serve the additional flats.
- Generous existing window openings to the second floor, providing good outlook and daylight to the proposed flats.

The proposal

Description of development

Planning permission is sought for the change of use of part of the second floor from retail (Class E) to residential (Class C3) and the creation of three flats, with associated works.

The works comprise:

- Change of use of approximately 284 m² of second floor showroom and ancillary utility floorspace from Class E to Class C3.
- Internal subdivision to form three self-contained flats on the western part of the second floor, identified on the drawings as Flats 1, 2 and 3.
- A private terrace at second floor level serving Flat 1, enclosed by a glass railing 1.8 metres high.
- Replacement of existing openings on the north and west elevations with white uPVC windows and glazed doors to match those existing.
- Alterations at ground floor to the residential entrance arrangements, cycle store and refuse store.
- Associated internal works, including services, sound insulation and fire separation.



Figure 5 - Drawing P02, proposed second floor plan. The three proposed flats are shown shaded on the western part of the floor; the existing flats are shown unchanged.

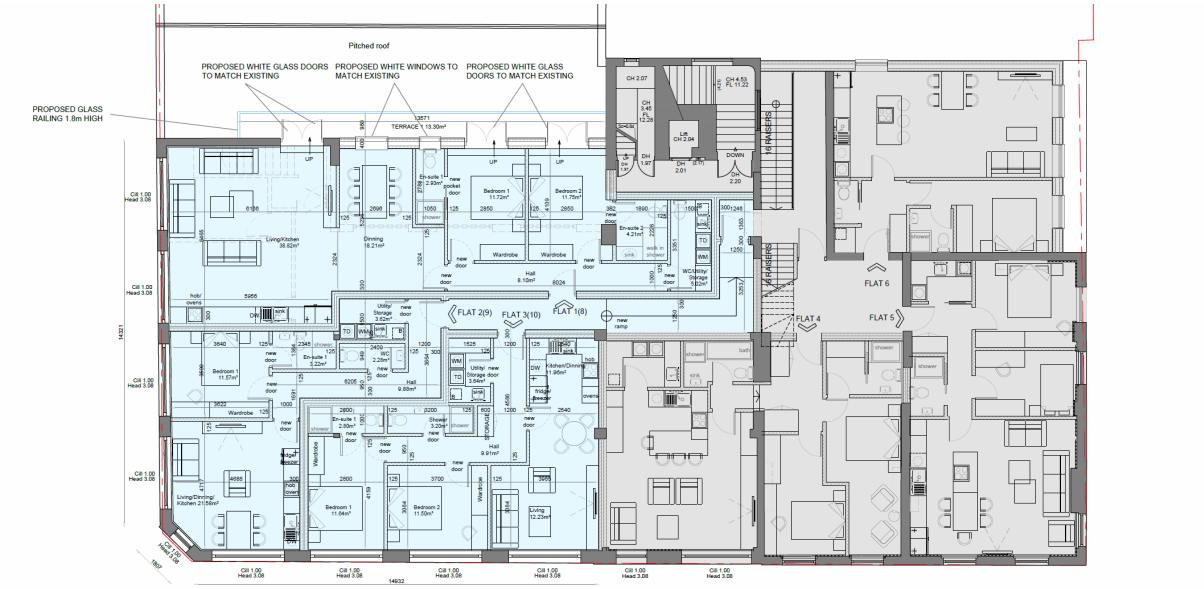


Figure 6 - Extract from drawing P02 showing Flats 1, 3 and 2 and the terrace to the northern side.

Schedule of accommodation

Flat	Level	Bedrooms	Area (m²)	Notes
Flat 1	Second floor	2	104.85	Private terrace at second floor level
Flat 2	Second floor	1	54.60	One bedroom, two person - exceeds the 50 m² standard
Flat 3	Second floor	2	70.50	-

Flat 1 at 104.85 m² and Flat 3 at 70.50 m² both meet or exceed the nationally described space standard for a two-bedroom, four person flat on one storey, which is 70 m². All three flats therefore comply with the standard.

Flat 2 is a one bedroom, two person flat with an area of 54.60 m². The nationally described space standard for a one bedroom, two person flat on one storey is 50 m²; Flat 2 exceeds it by 4.60 m². For context, the thirteen flats permitted at 105 - 109 Montague Street in June 2026 include studios and one-bedroom units ranging from 38 m² to 56.3 m², and prior approval was granted for all of them; units permitted under Class MA must themselves meet the nationally described space standard. Flat 2 sits comfortably within that range.

Density and mix

The three flats are provided within an existing building on a site of approximately 0.1 hectares with no increase in footprint or height. Density is not a meaningful constraint in these circumstances; the relevant question under Policy DM2 is whether the accommodation is of adequate quality, which is addressed in the design and residential amenity sections.

The mix is dictated by the existing structure. New partitions must align with the existing window spacing so that the external fenestration rhythm is not disturbed, and the position of the existing staircase and the retained cross walls fixes the plan depth available. Within those constraints the scheme delivers a mix of larger and smaller units suited to the town centre location.

The retail floorspace affected

The floorspace the subject of this application is second floor showroom and ancillary utility space. The ground floor retail unit, its Montague Street shop fronts and its Crescent Road display windows are unaffected. The store continues to trade from the ground floor and the retained parts of the upper floors.

Design

This section addresses the matters required by article 9 of the Development Management Procedure Order.

Use

The proposed use is residential, Class C3. The building already contains residential use on the first, second and third floors, permitted by the Council and in occupation. Residential accommodation above ground floor commercial use is characteristic of this part of the conservation area. The retail use at ground floor is retained.

Amount

Three flats are proposed within approximately 284 m² of existing floorspace. No additional floorspace is created. The number of units is determined by the position of the existing windows, the existing staircase and the retained internal walls rather than by a target density.

Layout

The three flats occupy the western part of the second floor and are entered from the existing common corridor and staircase. Flat 1, the largest, occupies the western end and has the benefit of the terrace to the north. Flat 3 occupies the central portion and Flat 2 the eastern portion adjoining the existing units.

Habitable rooms are arranged to take the benefit of the existing large window openings on the west and south elevations, with bathrooms, storage and circulation placed to the internal parts of the plan. New partitions align with window mullions so that no window is subdivided and the external elevations continue to read as a regular composition.

Each flat is self-contained with its own entrance from the common circulation, its own kitchen, bathroom and storage, and no shared internal spaces beyond the common corridor and staircase.

Scale

The proposal does not increase the height of the building above the existing parapet line and does not extend its footprint. The Flat 1 terrace and its glass railing are at second floor level, within the existing building envelope and behind the parapet. No new floorspace is created outside that envelope.

Landscaping

The site is wholly built and there is no soft landscaping at ground level. The Flat 1 terrace will be surfaced and may accommodate planters. There is no loss of trees, hedgerow, grassland or any other habitat.

Appearance

The Montague Street elevation is unaltered. Changes are limited to the north, east and west elevations, where they consist of replacement windows and glazed doors in white uPVC to match those already installed at this building under the earlier permission.

Glass railings 1.8 metres high are proposed to the Flat 1 terrace at second floor level, matching the enclosure already approved and installed to the existing rooftop amenity area at this building.

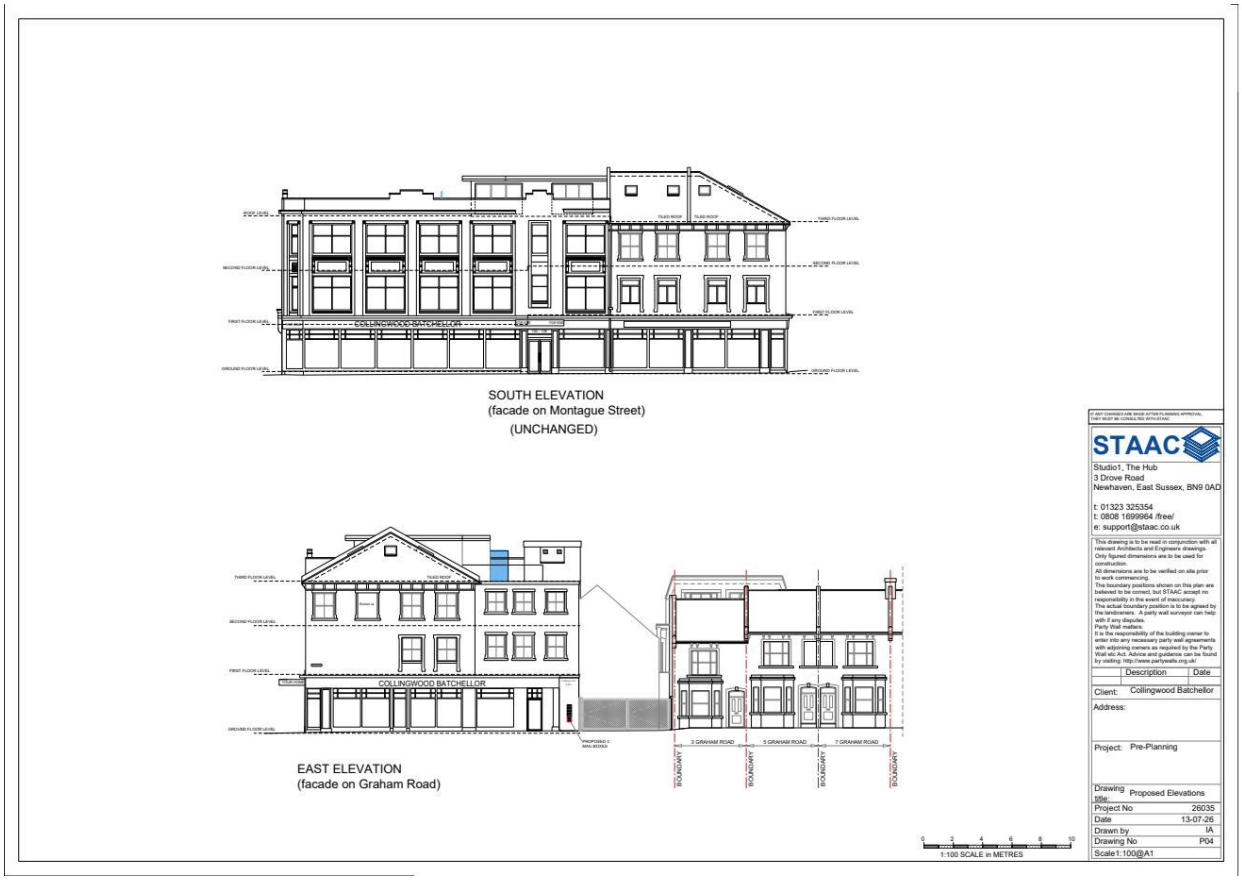


Figure 7 - Drawing P04, proposed south (Montague Street, unchanged) and east (Graham Road) elevations.



Figure 8 - Drawing P05, proposed west and north elevations.

Response to the conservation area

The design responds to the appraisal's identified elements as follows. The common building line at the back of the pavement is unaffected. The vertical emphasis of the front elevation is unaffected, because no alteration is made to it. The parapet and coping detail are retained and unaltered. Existing window openings are retained at their existing sizes and positions on all elevations, with replacement units matching those recently approved at the same building. The stucco finish is retained.

The proposal therefore preserves the character and appearance of the conservation area. It does not alter any element the appraisal identifies as requiring preservation.

Residential amenity

Amenity of future occupiers - internal

All three flats meet the nationally described space standard: Flats 1 and 3 as two-bedroom, four person flats and Flat 2 as a one bedroom, two person flat.

All habitable rooms are served by windows in external walls. The second-floor benefits from the building's generous existing openings on the west and south elevations, which give good daylight and outlook. No habitable room is served solely by a rooflight or by borrowed light.

Ceiling heights at second floor level must be confirmed for each unit. This is not a formality: at the earlier scheme for this building, headroom was the issue that removed a unit.

Amenity of future occupiers - external

Flat 1 has a private terrace at second floor level. Flats 2 and 3 do not have private external amenity space.

The absence of private amenity space for two of the three flats is justified by the constraints of the site and the location. There is no land at ground level in the applicant's ownership on which private amenity space could be provided; the yard is required for retail servicing. Balconies to the Montague Street, Graham Road and Crescent Road elevations were considered and ruled out at the earlier scheme, both because they would overhang land outside the applicant's ownership and because they would materially alter the appearance of a building in a conservation area to its detriment. That reasoning applies equally here.

The location provides a substitute. The site is approximately 150 metres from the seafront and Marine Parade, with a direct pedestrian route. Amelia Park and other open spaces are within about ten minutes' walk. The full range of town centre facilities is immediately to hand.

There is a recent local decision on the same street which is relevant, though its weight must be stated accurately. At 105 - 109 Montague Street the Council granted prior approval on 11 June 2026 for thirteen flats with no private amenity space at all (NOTICE/0003/26). That was an application under Class MA, in which the matters for consideration are limited by the Order and private amenity space is not among them; the Council was not therefore required to assess it. The decision is accordingly not a finding that no amenity space is acceptable, but it does show that the Council has recently accepted a much larger number of town centre flats on this street with none, and it is evidence of the form that residential conversion on Montague Street is taking. The present scheme provides private amenity space to one of three units.

Amenity of existing occupiers

The existing flats within the building, which were permitted under a separate permission and form no part of this application, are on the eastern part of the second floor, the first floor and the third floor. The proposed flats do not overlook them, do not take light from them and do not alter their access arrangements.

The residential properties at 3, 5 and 7 Graham Road lie to the north-east. The proposal makes no change to the height or footprint of the building and creates no new window opening in a position

that did not previously contain one. There is therefore no new overlooking of those properties and no new loss of light.

Noise

The flats sit above and adjacent to retail floorspace which remains in use, and the building contains plant serving the retail unit. Sound insulation between the commercial and residential uses, and the control of plant noise, are therefore material.

The Council's environmental protection team applies a consistent standard on this street. Condition 4 of the prior approval at 105 - 109 Montague Street (NOTICE/0003/26, 11 June 2026) requires a sound insulation performance of 50 dB DnT,w + Ctr to all floors, assessment against BS 8233:2014 Table 4 and the World Health Organization community noise guidelines, glazing and ventilation details, an overheating strategy where mitigation relies on windows being kept closed, and post-installation compliance testing.

The applicant accepts that standard and will provide an acoustic report and ventilation strategy specified to it. The applicant is content for conditions in those terms.

Access

Access to the building

Pedestrian access to the flats is taken from the existing residential entrance on Graham Road, which leads to the common staircase serving the upper floors. No new access onto the highway is created.

The building has no lift. At the earlier scheme the provision of a lift was examined and found not to be achievable without a major effect on the number of units and a consequent effect on viability. The position is unchanged. Access to the second floor is by staircase.

Within the flats, level thresholds, door widths and circulation will be designed to meet the applicable requirements of Part M of the Building Regulations, which is the regime under which internal accessibility is controlled.

Vehicular access and parking

No car parking is proposed. The yard to the north, accessed from Graham Road, is required for retail servicing and has insufficient space for residential parking. Graham Road is permit holder parking and Crescent Road is a mix of permit and metered parking; the applicant accepts that residents' permits may not be available.

Nil parking is appropriate in this location. The site is in the town centre, within 150 metres of the seafront, within walking distance of the full range of town centre services, served by bus routes on Montague Street and Marine Parade, and approximately 1,000 metres from Worthing railway station. The Buckingham Road multi-storey car park is a short walk away and offers long-stay parking for any resident who chooses to own a car.

West Sussex County Council as highway authority raised no objection to nil parking at 105 – 109 Montague Street in 2026, seeking only cycle parking, and the officer report records that the site lies within the controlled parking zone and that future occupants need not be reliant on the private car. That was a prior approval, in which transport considerations are confined to the transport impacts of

the development and safe site access; the same reasoning nonetheless applies here, and for three units rather than thirteen.

Cycle parking

Covered and secure cycle storage is proposed at ground floor, shown on drawing P01.

Refuse and recycling

Refuse and recycling storage is provided at ground floor within the yard, shown on drawing P01 as timber-clad wheeled bin storage, with a gate allowing bins to be presented for collection on Graham Road.

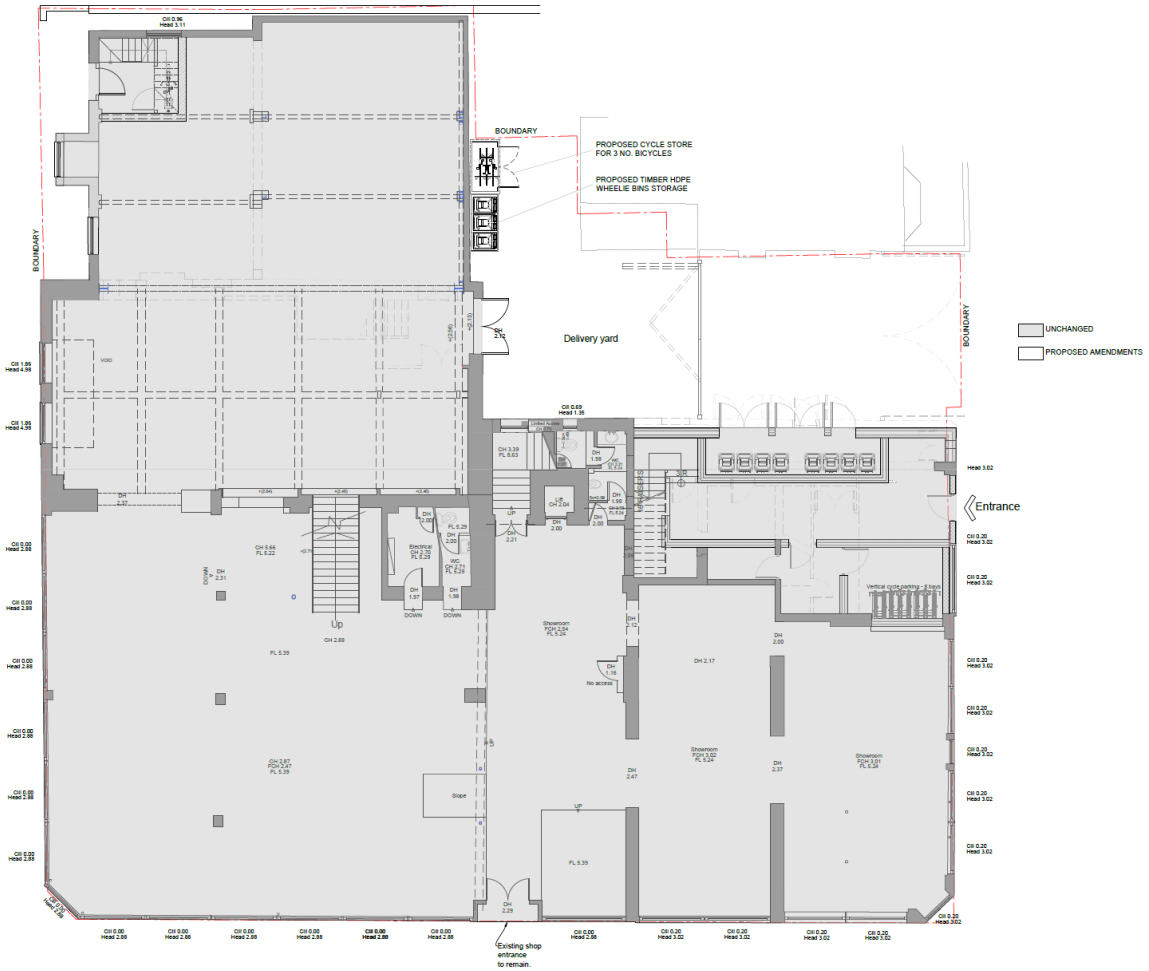


Figure 9 - Drawing P01, ground floor plan, showing the Graham Road entrance, the cycle store and the wheelie bin storage within the yard.

Emergency access and fire safety

Means of escape, compartmentation and fire service access will be designed to Part B of the Building Regulations. The building is under 18 metres in height and a fire statement under the Building Safety Act regime is not required.

Planning assessment

This section assesses the proposal against the development plan and the national decision-making policies. The principal issue is the loss of retail floorspace under Policy DM13; the remaining issues are heritage, amenity, transport, flood risk, biodiversity, climate and sustainability, and infrastructure.

Principle: the loss of retail floorspace

The building lies within the Secondary Shopping Frontage. Policy DM13(ii) supports a wider range of uses in secondary frontages provided they are active uses with active shop fronts. It is a less protective designation than the Primary Shopping Frontage.

The floorspace the subject of this application is at second floor level. It has no shop front and contributes nothing to the active frontage at street level. The ground floor retail unit, its Montague Street shop fronts and its Crescent Road display windows are unaffected and continue in retail use. The active frontage which Policy DM13(ii) is directed at protecting is preserved in full.

There is a directly relevant recent decision on this street. At 105 - 109 Montague Street the Council granted prior approval on 11 June 2026 for the conversion of the first and second floors to thirteen flats (NOTICE/0003/26). The officer report records that that site “forms part of the primary shopping frontage”. The Council therefore accepted the conversion of upper floor commercial floorspace to residential in the primary frontage, which is the more protected designation. The present site lies in the secondary frontage, where Policy DM13 is less restrictive, and the ground floor retail unit here is not merely retained but remains in active trading occupation. If the loss was acceptable there, it is acceptable a fortiori here.

The floorspace is also under-trading. The supporting statement submitted with the earlier application recorded that customers tend not to go to the second floor and that some will not go to the first, and that the applicant had installed a new staircase to encourage first floor trade. The second floor is further compromised by a floor level change and by retained cross walls, which make it awkward for the display of large furniture items - the applicant's principal trade. The Council accepted that rationale in granting AWDM/1752/20 and AWDM/1563/23.

National decision-making policy E2 supports businesses adapting their premises to remain viable. That is what this proposal does. A smaller, better-configured store trading from the ground floor and the retained upper floor areas is more viable than a large store with substantial under-used upper floors. The retail use is sustained, not lost.

Policy TC2 is directed at town centre vitality and viability. The introduction of three additional households into the town centre supports the vitality of Montague Street by adding resident footfall and activity outside shopping hours. The conservation area appraisal itself notes that a mix of uses encourages activity outside shopping hours in the adjoining section of the street.

Policies TC3 and TC4, the sequential and impact tests, are not engaged. The proposal is residential development in a town centre location and introduces no main town centre use in an out-of-centre or edge-of-centre location.

A retail impact assessment is not required. The Council's validation requirements set the threshold at 500 m². The floorspace affected is approximately 284 m², well below it.

Policy DM11, which protects employment floorspace and identifies Crescent Road among the key office locations, is not engaged. It defines employment uses as storage and distribution, general industrial, office, research and development and light industrial uses. Retail floorspace falls outside that definition and no office floorspace is affected by this proposal.

Presumption in favour of suitably located development

National decision-making policy S4 establishes a presumption in favour of suitably located development. Proposals within settlements should be approved unless the benefits would be substantially outweighed by adverse effects assessed against the Framework's national decision-making policies. The site is within a settlement, in a town centre, and is previously developed land in the fullest sense: an existing building in existing use.

Policy L2 gives substantial weight to additional homes on underused plots and within existing buildings. This is the paradigm case: three homes created within under-used floorspace in an existing town centre building, with no extension, no loss of habitat and no new land take.

Policy HO7 supports the delivery of housing, including on small sites and within existing buildings.

Housing land supply and the Housing Delivery Test

The Council's most recent published position is the Worthing Five Year Housing Land Supply Position Statement as at 1 April 2024. The requirement for 2024 – 2029 is 1,150 dwellings, to which a 20 per cent buffer of 230 dwellings is added because the Council has failed the Housing Delivery Test, giving 1,380 dwellings or 276 per annum. Against a supply of 1,740 dwellings the Council concludes 6.3 years.

The applicant does not contend that a five year supply cannot be demonstrated. The requirement is nonetheless inflated by a buffer imposed because past delivery fell short, and the supply depends on development of the form proposed here. The windfall allowance of 62 dwellings per annum is defined in the Position Statement as housing on sites which cannot be identified in advance, expressly including conversions and changes of use, and the supply relies on town centre upper floor conversions at 31 - 35, 21 - 23, 34 - 36 and 148 - 152 Montague Street and at 30 - 32 Chapel Road.

The seven flats permitted at this address under AWDM/1752/20 and its subsequent applications have been built and are occupied. They are completions, not supply. The three dwellings now proposed are additional to them and form no part of the Council's identified five year supply. The Position Statement is interim and carries a base date of 1 April 2024; the case officer is invited to substitute current figures if the position has moved.

Heritage

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. National decision-making policies HE4, HE5 and HE6 and Local Plan Policy DM24 apply. The Framework no longer uses the test of less than substantial harm; the question is whether harm arises at all and, where it does, into which of the categories of total loss, substantial harm or other harm it falls.

The proposal makes no alteration to the Montague Street elevation. It retains the parapet, coping, stucco finish, building line and vertical emphasis of the front elevation. Existing window openings are

retained at their existing positions and sizes, with replacement units matching those already approved and installed at this building. The terrace and its glass railing are at second floor level within the existing envelope, behind the parapet, and follow the enclosure already approved to the rooftop amenity area.

No listed building adjoins the site, the Montague Street elevation is unaltered, and the works are confined to the second floor and the rear elevations; the proposal does not affect the setting of any listed building and the section 66 duty is not engaged. The character and appearance of the conservation area are therefore preserved. No harm arises, and the question of weighing harm against public benefit does not arise. If the Council were to identify any harm, it would be at the lowest end of the scale and would be outweighed by the public benefits set out in the planning balance.

There is a recent local precedent on the treatment of railings in this conservation area. Application AWDM/0235/26, for the insertion of new and enlarged window openings at first and second floors and a railing at roof level at 105 - 109 Montague Street, was permitted on 10 June 2026. That is recorded in the Council's own officer report on the associated prior approval. A roof level railing was therefore found acceptable on this street, in a conservation area, two months ago; the railing proposed here is lower in the building.

Design

National decision-making policy DP3 and Local Plan Policy DM5 require good design responsive to the character of the surrounding area. The proposal is assessed in the design section. The external changes are minimal and match approved precedent at the same building; the internal arrangement provides well-proportioned accommodation with good daylight and outlook, subject to the resolution of Flat 2.

Housing mix, density and standards

Local Plan Policies DM1 (Housing Mix) and DM2 (Density) apply. The mix is constrained by the existing structure, as explained in the proposal section. The scheme delivers units of differing sizes suited to a town centre location. Density is not a meaningful measure where no new floorspace is created.

On space standards, all three flats comply with the nationally described space standard, Flat 2 as a one bedroom, two-person unit.

Amenity and pollution

Policy DM22 and the Framework's pollution and amenity policies apply. The assessment is in the residential amenity section. There is no new overlooking of neighbouring property, no new loss of light and no increase in the building's mass. Sound insulation and plant noise are addressed by the acoustic report and can be secured by condition.

Transport and accessibility

Policy DM15 and the Framework's transport policies apply. The assessment is in the access section. Nil parking is appropriate in this location and has been accepted by the highway authority on the same street for a substantially larger scheme. Cycle and refuse storage are provided at ground floor.

Flood risk and drainage

Policies DM20, CC3 and F4 to F8 apply. The site is in Flood Zone 1, confirmed by the Environment Agency flood map for planning obtained on 27 August 2026 and submitted with this application. The sequential and exception tests do not apply to development in Flood Zone 1.

A flood risk assessment is not required on the basis of site area, the site being approximately 0.1 hectares and therefore well below the one hectare threshold. However, the Environment Agency's own guidance requires a flood risk assessment for a site of any size in Flood Zone 1 where the site is at risk from other sources of flooding, such as surface water, and the development would increase the vulnerability of its use — which the conversion of a shop to dwellings does.

The relevant strategic document is the Adur and Worthing Level 1 Strategic Flood Risk Assessment (Worthing Borough Council, 2024), and West Sussex County Council is the Lead Local Flood Authority. Both were relied on in the flood risk assessment prepared for 105 – 109 Montague Street in January 2026, and neither identified this part of the town centre as subject to critical drainage problems or recorded flood incidents at or near the site.

On the evidence presently available the surface water risk in this part of the town centre is low. The Council's officer report on 105 - 109 Montague Street records that site as being in Flood Zone 1 and not susceptible to surface water flooding. That finding relates to a site on the south side of the street, closer to the sea, and cannot simply be read across to this site; it is indicative rather than determinative, and the check identified below must be carried out.

One further point requires attention. The flood risk assessment prepared for 105 – 109 Montague Street in January 2026 records that, while the building there sits in Flood Zone 1, the whole of that site falls within the Environment Agency's Flood Zones plus climate change dataset, and that modelled undefended tidal levels for the 0.5 per cent annual exceedance probability event in the 2115 epoch reach 5.25 m above ordnance datum at the southern end of that site, with depths of 0.02 m and 0.14 m. The standard flood zone map obtained for this site on 27 August 2026 does not display the climate change layer. The position of this site against that layer should be checked, although any consequence is limited because the proposed flats are at second floor level, several metres above any modelled level.

On drainage, Southern Water raised no objection to the earlier scheme at this building. Foul and surface water drainage will connect to the existing arrangements serving the building; no increase in impermeable area arises, because the site is already wholly built.

Biodiversity

The mandatory biodiversity gain condition does not apply to this development. Following the amendment to the biodiversity gain exemption regulations with effect from 6 August 2026, development on a site with an area below 0.2 hectares is exempt. The application site is approximately 0.1 hectares, confirmed by the Phase 1 land quality assessment and consistent with a measurement of approximately 0.105 hectares scaled from the submitted plans. The area exemption therefore applies.

Separately, the site contains no habitat capable of being lost. It is a wholly built site with no soft landscaping, no trees and no watercourse. The development is entirely within an existing building.

Notwithstanding the exemption, the applicant is content to provide integrated nest boxes as a biodiversity enhancement, consistent with the Framework's nature policies and Local Plan policy.

Climate change and sustainability

Policies SP2, DM16 and DM17 and Framework policies CC2 and CC3 apply. The proposal delivers three homes with a very low embodied carbon cost, because it uses an existing building and creates no new floorspace. Its town centre location minimises transport emissions.

Operational energy and fabric performance are matters primarily for Part L of the Building Regulations. National decision-making policy DM7 is directed at avoiding duplication between the planning system and other regulatory regimes, and the applicant relies on it in resisting any requirement to duplicate Part L compliance through planning conditions.

Land contamination

A Phase 1 land quality assessment was prepared for this site in April 2022 and is available. It concluded that the overall preliminary risk classification is low to moderate/low, and recommended a watching brief during ground works rather than intrusive investigation, radon assessment or mitigation given that the site lies in an area where 1 to 3 per cent of homes are at or above the action level, and an asbestos survey prior to any demolition.

This proposal involves no ground works and no demolition. It is an internal conversion at second floor level. The contamination recommendations are therefore of limited application, though the asbestos position within the building itself remains relevant to the internal works and is a matter for the Control of Asbestos Regulations rather than for planning.

Community Infrastructure Levy

The development would be CIL liable. Regulation 40 of the Community Infrastructure Levy Regulations 2010 provides for the deduction of the gross internal area of buildings in lawful use, where a part of the building has been in lawful use for a continuous period of at least six months within the three years ending on the day planning permission first permits the development.

The floorspace the subject of this application is in lawful retail use as part of the Collingwood Batchellor store and has been for many years. On that basis the chargeable amount would be substantially reduced and may be reduced to nil.

Affordable housing

Three dwellings falls below the threshold of 10 or more self-contained units at which Policy DM3 requires affordable housing provision. Even where that threshold is met, the requirement for flatted schemes on previously developed land is 20 per cent, reflecting the viability challenges the Council itself identifies for that form of development.

Planning balance and conclusion

National decision-making policy S4 requires that development within settlements be approved unless the benefits would be substantially outweighed by adverse effects assessed against the Framework's national decision-making policies. That is the test to be applied.

Benefits

The benefits of the proposal are as follows.

- Three dwellings on previously developed land in the town centre, contributing to supply in a borough which has failed the Housing Delivery Test and whose supply position depends on windfall delivery from conversions and changes of use of exactly this kind.
- Efficient use of an existing building. No new land is taken, no habitat is lost, no floorspace is added and the embodied carbon cost of the housing is very low. This attracts substantial weight under Policy L2.
- Bringing under-used floorspace into effective use. The second floor is difficult to trade and under-performing; the proposal puts it to productive use.
- Support for the continued viability of the retail business. Policy E2 supports businesses adapting their premises to remain viable, which is the effect of the proposal.
- Support for town centre vitality under Policy TC2, through additional resident population and activity on Montague Street outside shopping hours.
- Sustainable transport outcomes. A car-free scheme in a location where the full range of services, bus routes and the railway station are within walking distance.
- Investment in a building within the conservation area, with replacement windows and doors matching those recently approved.

Adverse effects

The adverse effects are as follows.

- The loss of approximately 284 m² of second floor retail floorspace. That floorspace has no shop front, contributes nothing to the active frontage, sits within a Secondary rather than Primary Shopping Frontage, is under-trading and falls well below the 500 m² retail impact assessment threshold. The weight to be given to this effect is limited.
- The absence of private amenity space for two of the three flats. That is a common outcome in town centre conversions, and thirteen flats with none were recently permitted on the same street, albeit under the prior approval route in which amenity space was outside the scope of consideration. The weight is limited.
- The absence of a lift, and the consequent limitation on accessibility of the second-floor units. This was examined and accepted at the earlier scheme at this building and the position is unchanged. The weight is limited.
- The absence of on-site car parking. The highway authority has accepted nil parking on the same street on sustainability grounds. Little or no weight arises.

No harm arises to the character or appearance of the conservation area, for the reasons given in the planning assessment. No harm arises to the amenity of existing occupiers of this building or of neighbouring property. No flood risk, biodiversity or contamination harm arises.

The balance

The benefits are substantial and are supported by national decision-making policies which attach substantial weight to additional homes within existing buildings in sustainable locations. The adverse effects are limited and are capable of being controlled by condition where control is needed.

The benefits are not substantially outweighed by the adverse effects.

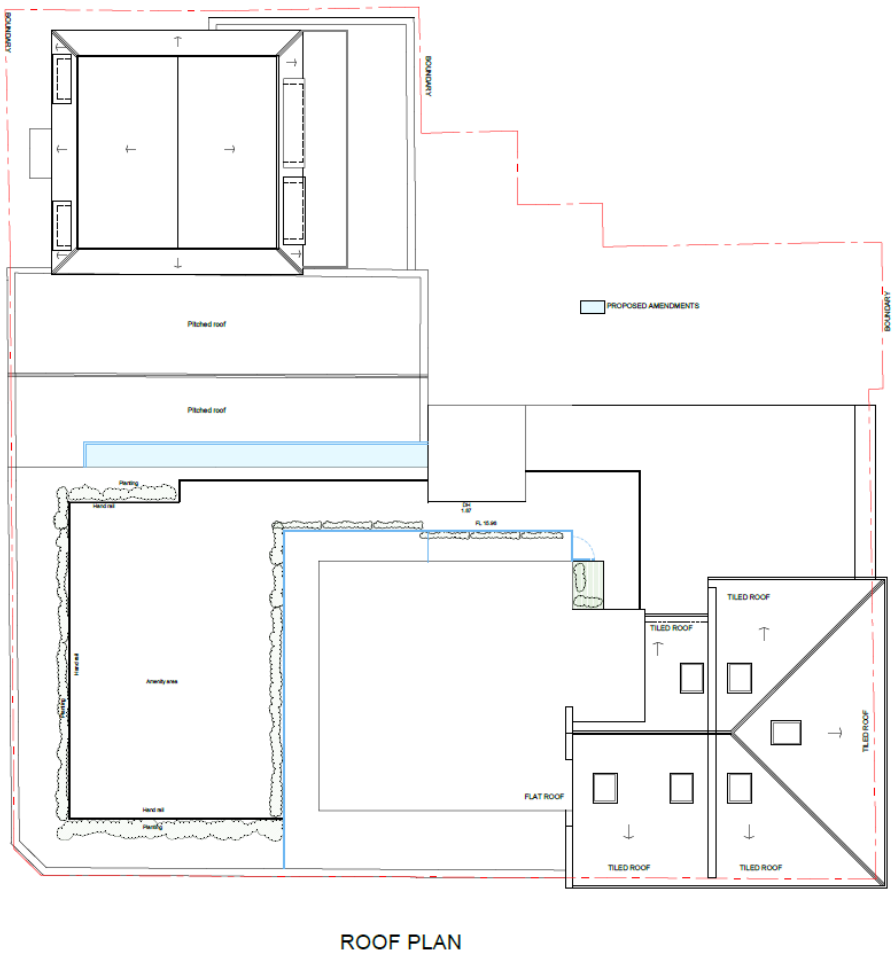
Conclusion

The proposal delivers three homes within an existing town centre building, in a location where residential use above ground floor commercial use is characteristic of the conservation area and where the Council has already granted and implemented permission for residential use on the upper floors of this same building. It preserves the character and appearance of the conservation area, causes no harm to neighbouring amenity, and makes efficient use of under-trading floorspace while supporting the continued viability of the retail business below.

Appendix A - Drawing schedule

The drawings listed below have been prepared by STAAC Ltd under project reference 26035.

Number	Title	Scale	Status
P01	Ground Floor Plan	1:100 @ A1	Proposed
P02	Second Floor Plan	1:100 @ A1	Proposed
P03	Roof Plan	1:100 @ A1	Existing
P04	Proposed Elevations - south (Montague Street) and east (Graham Road)	1:100 @ A1	Proposed
P05	Proposed Elevations - west (Crescent Road) and north	1:100 @ A1	Proposed
P06	Street Elevation (West Elevation)	1:100 @ A1	Proposed



Drawing P03 - proposed roof plan.